

CITY OF MINNEAPOLIS
LICENSES AND CONSUMER SERVICES
350 SOUTH 5TH STREET, ROOM 1-C, CITY HALL
MINNEAPOLIS, MN 55415

**FINDINGS OF FACT
CONCLUSIONS, AND
RECOMMENDATIONS**

In the Matter of License No. L026 50027 SHOP
for MOTOR VEHICLE REPAIR GARAGE W/ ACCESSORY AND
L051-50006 – MOTOR VEHICLE SALES

Held by:
**WA WINGERD CORPORATION
WILLIAM WINGERD
815 CEDAR AVE
MINNEAPOLIS, MN 55404**

08-0658052

This matter came before a License Settlement Conference on Thursday, September 11, 2008. Appearing for the City was Deputy Director of Licenses and Consumer Services Ricardo Cervantes, Lead Inspector Julie Casey and Zoning Inspector Stuart Roberson. Based on the information presented at the Conference the License Division makes the following findings of fact.

FINDINGS OF FACT

1. On January 24, 2005, a Conditional Use Permit was approved for a land use application to allow for the operation of a motorcycle sales and repair business.
2. On March 28, 2005, Lucky's Garage submitted a sign permit application to allow two wall signs.
3. William Wingerd opened his business called "The Shop" in August 2006.
4. On January 8, 2007 Zoning Inspector Stuart Roberson inspected the site to determine whether or not it is in compliance with the conditions of approval from the Planning Commission. It was determined that several signs were installed without obtaining a sign permit.

5. On January 25, 2007, a violation notice was sent to Mr. Wingerd to obtain the required sign permits. On February 29, 2007 a final notice was sent to Mr. Wingerd to obtain the necessary sign permits. On April 2, 2008, a criminal citation was issued for illegal signage. This criminal citation remains unpaid.
6. On October 3, 2007 a violation notice was sent to Mr. Wingerd to remove a trailer from the premises or store it on the inside of the property. The trailer violated the enclosed building requirements in the Zoning code.
7. On January 23, 2007, Inspector Roberson mailed a letter of violation to Mr. Wingerd requiring him to submit a letter stating which signs are to be removed and which signs he intended to obtain a permit, to submit a permit application and to remove the trailer. On March 21, 2008, a final violation notice was sent concerning the outdoor storage of the trailer. On April 14, 2008 a criminal citation was issued for failure to remove the trailer.
8. On June 11, 2008, Lead License Inspector Julie Casey sent notice to Mr. Wingerd that if the Zoning violations are not corrected by July 12, 2008, action could be taken against his licenses. In August 2008, a notice to appear at a License Settlement Conference was sent.
9. On September 10, 2008, Inspector Roberson inspected 815 Cedar Avenue and the same Zoning violations still existed.
10. At the hearing, Mr. Wingerd reported that the trailer was removed from his business the afternoon before the hearing. Mr. Wingerd reported that due to some financial and building ownership changes he kept putting off compliance with the sign violations.
Mr. Wingerd stated he understood that the sign violation required him to replace a sign rather than obtain a \$122 permit. He stated he was willing to comply with obtaining the necessary permits and complying with Zoning regulations.

CONCLUSIONS

1. Mr. William Wingerd, operating as The Shop, failed to comply with Zoning regulations by failing to obtain the necessary sign permits required by MCO 543.30.
2. Mr. William Wingerd, operating as The Shop, failed to comply with Zoning regulations by allowing exterior storage of a trailer in violation of MCO 548.180.
3. Mr. William Wingerd, operating as the Shop, failed to pay a criminal citation in violation of MCO 259.15.

RECOMMENDATIONS

1. Mr. Wingerd agrees that the criminal citation will be paid in full by September 26, 2008.
2. Mr. Wingerd understands that, in the future, when he does not understand an order or cannot comply with the order by the due date, he must contact the city staff assigned to the order and make the necessary arrangement to comply.
3. Mr. Wingerd agrees that he will obtain all the necessary sign permits, as determined by Zoning Inspector Stuart Roberson, by September 26, 2008.
4. Mr. Wingerd will meet with the Zoning Department by October 26, 2008 to discuss completion of the site plan. The actual work on the site plan must be completed by July 1, 2009.
5. A \$1000 sanction is assessed against The Shop. \$500 of the sanction is stayed pending no same or similar violations of the Minneapolis Code of Ordinances. The sanction shall be due and payable upon signature of this agreement.

WA Wingerd Corp / The Shop understands that the holding of a business or liquor license in the City of Minneapolis is both a privilege and a responsibility, and, as such, it is understood that there is a minimum standard that shall be met in order to hold such a license. Furthermore, it is understood that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances and regulations. As such, it is understood and agreed that any violation of the above Recommendations shall constitute just and proper cause for the immediate imposition of any agreed upon or stayed penalties. It is further understood that compliance with the above Recommendations is a requirement for continuing to hold a license and that failure to comply with any of these conditions may result in additional adverse license action.

I have read and understand the above findings of fact, conclusions, and recommendations. I agree with their contents and I agree with the above noted Recommendations. I understand that the failure of my business to adhere to this agreement may be cause for further suspension, revocation, or denial of my license. I understand that this report must be accepted and approved by the Minneapolis City Council and Mayor.


Based upon the foregoing, this agreement is FREELY & VOLUNTARILY ENTERED INTO IN GOOD FAITH:

Business

For the City of Minneapolis:

WA WINGERD CORP / DBA: THE SHOP

By: Will A Wingerd
(signature)


Ricardo Cervantes
Deputy Director of Licenses

Its: OWNER
(title)

Dated: 9/18, 2008

Dated: Sept 30, 2008